

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 1999

DIVISION TWO

B118779 Sedaghat
 v.
 Malek

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B119304 Westoil Terminals Co. (Not for Publication)
 v.
 Harbor Insurance Company

Judgment is reversed. The trial court is directed to enter a new order permitting the filing of Westoil's proposed first amended complaint. Appellant is awarded costs on appeal.

Mallano, J. (assigned)

I concur: Boren, P.J.
I dissent: Zebrowski, J. (opinion)

DIVISION THREE

B104540 Phil Gordon, et al. (Not for Publication)
 v.
 The Uniroyal Goodrich Tire Company, et al.

The judgment is affirmed. Each party to bear own costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B121824 American International Industries, et al.
v.
Superior Court of the State of California, County of Los Angeles
Matthew Urbach, et al.

Filed order granting petition for rehearing. Cause resubmitted.

DIVISION FOUR

B118825 Henry (Not for Publication)
v.
Bank Of America

The judgment in case number YC025470 is affirmed. The order of dismissal in case number YC030952 is affirmed. Respondents shall have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B125173 Los Angeles County, D.C.S. (Not for Publication)
v.
Francis L.

The order terminating appellant Francis L.'s parental rights to Crystal L., Jaime L., and Armando L. is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

March 29, 1999-Continued

DIVISION FOUR (Continued)

B129727 In Re: (Not for Publication)
Oscar Chang
on
Habeas Corpus

The petition is dismissed as moot.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B123095 People (Not for Publication)
v.
Chang

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B123987 People (Not for Publication)
v.
Davian S.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

B089804 Kazi (Certified for Partial Publication)
 v.
 State Farm Fire & Casualty

The judgment in favor of defendants and respondents State Farm Fire and Casualty Company, Truck Insurance Exchange, and Farmers Insurance Exchange, is reversed, except for the order granting judgment on the pleadings in favor of the defendant insurers as to plaintiffs' causes of action for negligence which is affirmed, and the matter is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Plaintiffs and appellants the Kazis are awarded costs on appeal. The order awarding sanctions against objector and appellant Attorney Gary Smolker in favor of respondent Kerns & Gradillas is affirmed. Kerns & Gradillas is awarded costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B125982 Singer (Not for Publication)
 v.
 S.C.L.A.
 Estate of Disney

The alternative writ, having served its purpose, is discharged. Let a writ of mandate issue compelling respondent superior court to vacate its September 23, 1998, transfer order. This court's October 2, 1998, order staying the transfer order is to remain in effect pending finality of this decision. Petitioner to recover costs in this proceeding.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

March 29, 1999-Continued

DIVISION FOUR (Continued)

B122984 People v. Bennett (Not for Publication)

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B123864 People (Not for Publication)
v.
Perry

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B121316 People (Not for Publication)
v.
Kelly

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B122366 People (Not for Publication)
v.
Reggie M.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B120136 People (Not for Publication)
v.
Jamison

The judgment is modified to include an additional restitution fine of \$200, which shall remain suspended unless and until defendant violates parole, pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and send to the Department of Corrections a corrected abstract of judgment reflecting the imposition of an additional suspended \$200 restitution fine pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B119057 People (Not for Publication)
v.
Cortez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B115739 Forty-Three Ten Cahuenga (Not for Publication)
 v.
 Industrial Underwriters Ins.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B097086 Magyari (Not for Publication)
 v.
 Lawrence

The judgment notwithstanding the verdict on the tort claims is reversed. The grant of a new trial on damages awarded for the tort claims is reversed and the jury's verdict of \$288,000 is reinstated. The grant of a new trial on damages awarded for the contract claim is reversed; the jury's verdict of \$248,000 is reinstated and modified to \$13,834 (to include prejudgment interest). In all other respects, the judgment is affirmed. Magyari to recover costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B125418 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Jennie M.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

March 29, 1999-Continued

DIVISION FOUR (Continued)

B119463 People (Not for Publication)
v.
Gonzalez

The judgment is modified to reflect a \$200 parole revocation fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B120279 Ma (Not for Publication)
v.
TRW Inc.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B123851 Los Angeles County, D.C.S. (Not for Publication)
v.
Maria W.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

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The order quashing the writ of execution is reversed, and the matter is remanded to the trial court for further proceedings in keeping with the views expressed herein. Costs on appeal are awarded to appellant Hope Kelsey.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B114437 Morantz (Not for Publication)
v.
Elwood

The order is reversed with respect to child support. In all other respects the order is affirmed. The matter is remanded to the trial court to conduct further proceedings consistent with this opinion. Appellant is to bear his own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B110993 People
v.
David A. Bradvica

The remittitur issued March 9, 1999, is hereby recalled and the opinion (originally filed October 22, 1998) is ordered refiled as of the date of this order.

March 29, 1999-Continued

DIVISION FIVE (Continued)

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The judgment is modified to reverse the amount of presentence conduct credits in the sum of 176 days. In its place, the judgment is to state defendant is awarded only 53 days of presentence conduct credit. A \$200 additional restitution fine pursuant to Penal Code section 1202.45 is imposed. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B124453 People (Not for Publication)
v.
Jesse Pipkin

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B119090 Della Masson (Not for Publication)
v.
Donald G. Masson

The judgment is modified so that it finds that appellant owes only \$2,100 in retroactive child support, and in all other respects is affirmed. Appellant to recover his costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION SIX

B123795 Medeiros (Not for Publication)
 v.
 James

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B114804 People (Not for Publication)
 v.
 Roberson

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B122744 People (Not for Publication)
 v.
 Gonzales

We order the abstract of judgment to be modified to reflect restitution payable to the City of Oxnard in the amount of \$75 and the imposition of a penalty assessment pursuant to section 1202.4, subdivision (a)(2) in the amount of \$8,500. The abstract of judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

March 29, 1999-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B122451 People (Not for Publication)
v.
Le

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

B118282 Carson Harbor Village, Ltd.
v.
The City of Carson Mobilehome Park Rental Control Board

Petition for rehearing and request for judicial notice denied by operation of law.